

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

RAMON BOYCE,

Petitioner, : Case No. 2:23-cv-3240

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Chillicothe Correctional
Institution,

:
Respondent.

**DECISION AND ORDER GRANTING MOTION TO EXPAND THE
RECORD**

This habeas corpus case, brought *pro se* by Petitioner Ramon Boyce to seek relief from his conviction in the Franklin County Court of Common Pleas on one count of burglary, is before the Court on Petitioner's Motion to Expand the Record with transcripts of various trial court hearings in his case.

After conducting a preliminary review of this case, Magistrate Judge Silvain ordered Respondent "to file an answer conforming to the requirements of Rule 5 of the Rules Governing § 2254 Cases. . ." (Order, ECF No. 3, PageID 14). Rule 5(c) provides that the answer "must also indicate what transcripts . . . are available."

Respondent's Return does not comply with Rule 5(c) in that it does not describe what transcripts are available. However it confirms that at least one of the transcripts referred to by Petitioner was before the Court of Appeals, to wit, the transcript of the suppression hearing.

(Opinion, *State v. Boyce*, State Court Record, ECF No. 6, Ex. 27, ¶ 13).

The Court finds there is good cause to grant the requested expansion. Among other things, the transcripts may be necessary to determine if deference is due under 28 U.S.C. § 2254(d)(2). Accordingly, it is hereby ORDERED that the State Court Record be expanded by filing forthwith all of the transcripts which were part of the record on direct appeal. Respondent shall also supplement the Return by identifying any proceedings which were recorded but which have not been transcribed.

January 9, 2024.

s/ *Michael R. Merz*
United States Magistrate Judge